

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. – OA 277 of 2024

KALYAN CHAKRABORTY -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. Soumendra Narayan Ray, Mr. D. Saha, Learned Advocates
	For the State Respondents	:	Mr. Gautam Pathak Banerjee, Learned Advocate

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22.05.2025

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

The applicant in the instant Original Application prayed for stepping up his pay in terms of the Rule 55 (4) of the West Bengal Service Rules, 1971 Part-I.

The contention of the applicant is that despite senior to the Private Respondent No. 7 namely one Debasish Mukherjee, he is drawing lesser salary. It is not in dispute that, the applicant initially joined as 'Constable' batch No.164/1992 in West Bengal State Armed Police, 13th Bn., Purulia on 31.10.1992 and the private respondent initially joined as 'Constable' on 08.07.1994 in the same Department and later both of them got promotion to the post and/or rank of Assistant Sub-Inspector of Police (UB) on 01.01.2003 and 21.09.2011 respectively and presently both are Sub-Inspectors of Police (UB) in SAP 13th Battalion, Bankura under the Directorate of Anti Corruption Branch. The applicant was promoted and assumed charge of Sub-Inspector of Police on 02.12.2011 and the private respondent was later promoted and assumed charge of Sub-Inspector of Police on 02.12.2020.

The contention of the applicant is that, although both are presently posted as Sub-Inspector of Police in Directorate of Anti Corruption Branch, yet there is a disparity of pay between the applicant and the private respondent as apparent from the Memo No. 152 dated 15.03.2024 of the Deputy Inspector General of Police under the Directorate of Anti Corruption Branch. Accordingly, he prays for stepping up his pay at par with the private respondent and he is squarely covered by the Rule 55 (4) of the WBSR, 1971 Part-I read with provisions of ROPA Rules, 2019.

On hearing the Ld. Advocates for the respective parties and on perusal of the materials on record, particularly the representations of the applicant dated 09.03.2021, received on 10.03.2021 and dated 19.06.2023, the Tribunal finds it is imperative to look into the Rules regarding stepping up of pay in the WBSR, 1971 Part-I.

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Rule 55 (4) of the WBSR, 1971 Part-I is quoted herein below and which is as follows:-

“.... Rule 55 (4) If a Government employee while officiating in a higher post draws pay at a rate higher than his Senior Officer either due to fixation of his pay in the higher post under the normal rules, or due to revision of pay scales, the pay of the Government employee senior to him shall be re-fixed at the same stage and from the same date his junior draws the higher rate of pay irrespective of whether the lien in the lower post held by the Senior Officer is terminated at the time of refixation of pay, subject to the conditions that both the Senior and Junior Officers should belong to the same cadre and the pay scale of the posts in which they have been promoted are also identical.

The benefit of this rule shall not be admissible in case where a senior Government employee exercises his option to retain un-revised scale of pay, or where the pay drawn by the senior officer in the lower post before promotion to the higher post was also less than that of his junior...”

From the above rules, it is clear that, both the Senior and the Junior Officers are required to be in the same cadre and in the same scale of pay of the post in which they have been promoted. It is an undisputed fact that in the instant case in hand both the applicant as well as the private respondent are in the same Cadre of Sub-Inspectors (UB) in the Directorate of Anti Corruption Branch. The scale of pay of both the applicant and the private respondent is also the same in Level 10 in terms of ROPA Rules, 2019. So, the condition as stipulated in Rule 55 (4) is squarely applicable to the claim of the applicant.

The order dated 15.03.2024 issued by the Dy. Inspector General of Police, Directorate of Anti Corruption Branch, regretting the prayer for stepping up of pay of the applicant on the pretext of earlier stepping up of pay of the applicant on 01.07.2007 in comparison of his junior one Tarun Roy. Such decision was on the basis of views expressed by the Finance Department on 30.11.2021.

It is also not in dispute that the applicant joined the post and/or rank of Sub-Inspector of Police (UB) on 02.12.2011 whereas the private respondent was later promoted and assumed charge of Sub-Inspector of Police on 02.12.2020 and presently, they are in the same Cadre of Sub-Inspectors of Police (UB). It is also not in dispute that, their scale of pay is the same in level 10 of the ROPA Rules, 2019.

In the above context, the Tribunal is of the opinion that the Order dated 15.03.2024 issued by the Deputy Inspector General of Police, Directorate of Anti Corruption Branch and

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its enclosure, on stepping up the pay of the applicant is quashable and hence, it is set-aside and quashed with a further direction to the Respondent Authorities specially the Respondent No. 2, 3 and 4 to step up the pay of the applicant at par with the private respondent with effect from 01.01.2020 following Rule 55 (4) of WBSR Part-I and to pay the arrears of differential pay to the applicant. The entire exercise of stepping up of pay and paying the arrears with effect from 01.01.2020 is to be completed within a period six months from the date of communication of this Order. With the above observation, the Original Application is accordingly, disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.